

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN THE MATTER OF THE  
EXTRADITION OF

BRENDA QUEVEDO-CRUZ

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No. 08 M 85

Hon. Martin C. Ashman

**DEFENDANT'S MOTION FOR BOND**

NOW COMES BRENDA QUEVEDO-CRUZ, through her attorney Stanley J. Horn and submits the Defendant's motion for bond.

1. Defendant is being held pending an extradition hearing.
2. Defendant is being sought by the Mexican government in association for allegedly being involved in the kidnapping of a Mexican citizen by the name of, Hugo Alberto Wallace Miranda.
3. Defendant has been in the physical custody of the United States government since November 28, 2006 for an immigration violation, subsequently she applied for Convention Against Torture ("CAT") relief as she fears returning to Mexico due to a threat of torture to obtain a confession from her in association with the charges against her related to the kidnapping.
4. Defendant's immigration case was administratively closed in February 2007 in order for the United States government to certify the extradition.
5. To date, the Defendant's extradition has not been certified and she is still in custody.
6. Defendant is married to a United States citizen who is a Sergeant, First Class with 13

years of service in the United States Army stationed in Fort Knox, Kentucky with whom she would reside while awaiting a decision on this matter.

7. Defendant's husband has filed an I-130 visa petition on behalf of his wife so that she can receive an immigrant visa as an immediate relative.
8. Defendant has undeniable interests in staying in the United States to seek a completion to both her CAT claims as well as the visa petition.
9. Under 18 USC §3188 any judge of the United States may order a person detained for extradition proceedings released out of custody.
10. It has long been recognized that bail should not ordinarily be provided in extradition cases except where special circumstances exist, special circumstances include a high probability of success, if the extraditee has demonstrated that the proceedings will be unusually long, or unusual delay in the proceedings. *See Salerno v. United States*, 878 F.2d 317(9<sup>th</sup> Cir. 1989), *See also*, Matter of Extradition Rouvier, 839 F. Supp. 537 (1993).
11. In the present case both the U.S. attorney as well as the Defendant has demonstrated that copious amounts of evidence will be presented, that witnesses will be called, and that expert testimony will likely be required; all leading to lengthy extradition proceedings.
12. The Defendant has provided and will continue to provide upon examination of witnesses extensive probative evidence that probable cause does not exist in the present case and that she will be successful on the merits of this case.

WHEREFORE, the Defendant, QUEVEDO-CRUZ's respectfully requests that she be granted bail to await the decision regarding her extradition.

Respectfully submitted,  
BRENDA QUEVEDO-CRUZ

BY: s/Stanley J. Horn  
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**CERTIFICATE OF SERVICE**

I, Stanley J. Horn, hereby certify that the following document: DEFENDANT'S MOTION FOR BOND was served on August 28, 2008 in accordance with Fed. R. Crim. P. 49, Fed. R. Civ. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district's system as to ECF filers in the above captioned case, and was sent by first-class mail on August 28, 2008 to: Shoshana Leah Gillers, United States Attorney's Office (NDIL), 219 S. Dearborn Street, Suite 500, Chicago, Illinois 60604.

Respectfully submitted,

s/Stanley J. Horn

STANLEY J. HORN 1261614

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